

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID A. BROWN

Plaintiff,

Case No. 3: 08 -cv-141

-VS-

**District Judge Thomas M. Rose
OFFICER MALICKI, et al.,**

Defendants

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. #14) ADOPTING SECOND
REPORT AND RECOMMENDATIONS (DOC. #13) DENYING MOTION FOR
SUMMARY JUDGMENT (DOC. #12)**

This matter is before the Court pursuant to Objections (Doc. #14) filed by Plaintiff David A. Brown, on July 16, 2008, to the Second Report and Recommendations (Doc. #13) of Chief Magistrate Judge Michael R. Merz filed June 30, 2008.

The Court has reviewed the comprehensive findings of the Chief Magistrate Judge and pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. 72(b), this District Judge has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Doc. #14) are not well taken and are hereby OVERRULED.

Accordingly, the Chief Magistrate Judge's Second Report and Recommendations (Doc. #13) are ADOPTED in their entirety.

It is ORDERED and ADJUDGED that Plaintiff's Motion for Summary Judgment (Doc. #12) is DENIED.

IT IS SO ORDERED.

July 23, 2008

***S/THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE